1. On 6 June 2003 the Council authorised the Presidency to sign two Agreements with the United States of America, one on extradition and one on mutual legal assistance. In accordance with Council Decision 2003/516/EC of 6 June 2003\(^1\), the Agreement on extradition between the European Union and the United States of America\(^2\) and the Agreement on mutual legal assistance between the European Union and the United States of America\(^3\) have been signed on behalf of the European Union on 25 June 2003.

\(^1\) OJ L 181, 19.7.2003, p. 25.
\(^2\) OJ L 181, 19.7.2003, p. 27.
\(^3\) OJ L 181, 19.7.2003, p. 34.
2. On 23 October 2009 the Council adopted the Decision on the conclusion on behalf of the European Union of the Agreement on extradition between the European Union and the United States of America and the Agreement on mutual legal assistance between the European Union and the United States of America\(^4\). In accordance with this decision, the Presidency of the Council, on 28 October 2009, exchanged the instruments of approval with the US Attorney General, in Washington DC.

3. Both Agreements will enter into force on 1 February 2010.

4. The Netherlands has informed the Presidency that it wishes to extend the territorial scope of the Agreement on extradition, in accordance with Article 20(1)(b) thereof, to the Netherlands Antilles and Aruba. Such extension has taken place by way of exchange of diplomatic note from the General Secretariat of the Council with the Mission of the United States of America to the European Union on 9 June 2009, acknowledged in the diplomatic note of the United States Mission to the European Union of 16 June 2009.

5. In view of the imminent entry into force of the EU-US Extradition Agreement, this extension of the territorial scope should be approved by the Council, in accordance with Article 3 of the Council Decision 2003/516/EC of 6 June 2003 concerning the signature of the Agreements between the European Union and the United States of America on extradition and mutual legal assistance in criminal matters.

6. In view of the above, COREPER is requested to invite the Council to:

i) adopt the draft Council on the extension, on behalf of the European Union, of the territorial scope of the Agreement on extradition between the European Union and the United States of America, as set out in 16455/09 COPEN 232 USA 104; and

ii) order the publication of the aforementioned Council Decision in the Official Journal of the European Union.